



Cornell Dubilier Electronics, Inc.  
140 Technology Place  
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February 13, 2009

Mr. Peter Mannino  
Emergency and Remedial Response Division  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 19th Floor  
New York, NY 10007

Re: Request for Information from Cornell-Dubilier Electronics, Inc.

Dear Mr. Mannino:

Cornell-Dubilier Electronics, Inc. ("CDE") submits this supplemental response to two requests for information made by the U.S. Environmental Protection Agency, Region II ("EPA") dated June 28, 2006 (the "2006 Request") and September 30, 2008 (the "2008 Request").

**Supplemental Response to 2006 Request**

In its September 28, 2006 response to Request # 3 of the 2006 Request, CDE provided copies of insurance policies, which it believes may provide coverage to the South Plainfield Site. While preserving any and all objections made in its September 28, 2006 response, CDE now supplements that response.

CDE has learned of additional policies issued to a former corporate parent of CDE that may provide coverage as an indirect subsidiary. Copies of the policies are contained on the CD enclosed herewith. In addition, CDE is aware of an additional policy that it does not believe provides coverage and which is barred from disclosure by a protective order. However, CDE will contact the producing party and request permission to disclose the policy to EPA.

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### **Supplemental Response to 2008 Request**

In its 2008 Request, EPA requested that CDE provide copies of certain global settlement agreements and policy buyback agreements entered into by CDE and its insurers. By its December 2, 2008 response to the 2008 Request (the "Response"), CDE indicated that several of the agreements sought by EPA contained confidentiality provisions. CDE has notified each of those insurers that it received the 2008 Request and now submits this supplemental response.

The Response listed nine insurers with whom CDE has executed one or more global settlement agreements or policy buyback agreements containing a confidentiality term. CDE sent each of those insurers a letter notifying them that CDE had received the 2008 Request and seeking the insurers' consent to disclose the relevant agreement or agreements. Four of the insurers assented to CDE's request, and copies of those agreements are contained on the CD enclosed herewith. The five remaining insurers have either not responded to CDE's letter or not consented to disclosure. Attached is a list of those insurers that have not assented to disclosure of the requested agreements along with the individuals to whom notifications should be addressed.

CDE also noted in its 2008 Response that settlement agreements entered into with various insolvent London Market Insurers had not yet been located. One such agreement has since been located and is contained on the CD enclosed herewith. If any additional agreements are located, they will be submitted to EPA in a supplemental production.

### **Assertion of Claim of Confidential Business Information**

CDE requests that EPA consider all settlement agreements provided in this supplemental production to the 2008 Request as confidential. CDE identifies the following information in support of its claim of confidentiality:

- a. The agreements in their entirety constitute confidential business information.
- b. The agreements are entitled to confidential treatment on a permanent basis.
- c. CDE has taken measures to guard against the disclosure of information to others. With one possible exception, the agreement with KWELM, each of the agreements contain a confidentiality clause strictly prescribing when and to whom the terms of the agreement may be disclosed. The parties to the agreements have strictly abided by the terms of the confidentiality clause. In the case of every agreement, access to the agreements is limited within CDE, and they are not disclosed to the public.
- d. The information in the agreements has only been disclosed in accordance with any applicable confidentiality provision and has been provided to other parties, such as accountants, insurers and attorneys of CDE, only as necessary.
- e. CDE believes that no other federal agency has made a pertinent determination on the confidentiality of the agreements.

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f. Disclosure of the terms of the agreements would be harmful to CDE as it would negatively impact its ability to enter into confidential settlement agreements with other insurers.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Whitworth", written in a cursive style.

Victor Whitworth  
Chief Financial Officer

Enclosure

cc: Sarah Flannigan, Es., EPA, Region II  
Robert S. Sanoff, Esq.

### **Insurers Not Consenting to, or Not Responding to, CDE's Request to Disclose Settlement Agreements and/or Policy Buyback Agreements**

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